

1 **Rule 14-415. Failure to satisfy MCLE requirements; notice; appeal procedures;**
2 **reinstatement; waivers and extensions; deferrals.**

3 (a) Failure to comply; petition for suspension. A lawyer or paralegal practitioner who
4 fails to comply with reporting provisions of Rule 14-414 will be assessed a late fee. [A]

5 (a)(1) On September 15, a lawyer who fails to comply with Rule 14-414 or who files a
6 Certificate of Compliance showing that [he or she] the lawyer has failed to complete the
7 required number of hours of MCLE will be administratively suspended from the practice
8 of law, beginning on October 1, and notified [that a petition for the lawyer's suspension
9 from the practice of law will be submitted to the Supreme Court unless all requirements
10 are completed and reported within 30 days by] of the administrative suspension by
11 certified mail, return receipt requested.

12 (a)(2) On September 15, failure of a paralegal practitioner to comply with Rule 14-414,
13 or receipt of a Certificate of Compliance showing that the paralegal practitioner has
14 failed to complete the required number of hours of MCLE, will result in administrative
15 suspension of the paralegal practitioner's license, beginning on October 1, and
16 notification of the administrative suspension by certified mail, return receipt requested.

17 ~~[(a)(1) The lawyer will have the opportunity during the 30-day period to file an affidavit~~
18 ~~with the Board disclosing facts demonstrating that the lawyer's noncompliance was not~~
19 ~~willful and to tender such documents that, if accepted, would cure the delinquency. A~~
20 ~~hearing before the Board will be granted if requested.~~

21 ~~(a)(2) If, after a hearing or a failure to cure the delinquency by satisfactory affidavit and~~
22 ~~compliance, the lawyer is suspended by the Supreme Court, the lawyer will be notified~~
23 ~~by certified mail, return receipt requested.]~~

24 (b) Reinstatement. A lawyer or paralegal practitioner suspended [~~by the Supreme Court~~]
25 under the provisions of this rule may be reinstated by the Court upon motion of the
26 Board showing that the lawyer or paralegal practitioner has cured the delinquency for
27 which the lawyer or paralegal practitioner has been suspended and paid all required
28 fees. [~~If a lawyer has been suspended by the Supreme Court for non-compliance with~~
29 ~~this article, the lawyer must then comply with all applicable rules to be eligible to return~~
30 ~~to active or inactive status.]~~

31 (c) Waivers and extensions of time. For good cause shown, the Board may use its
32 discretion in cases involving hardship or extenuating circumstances to grant waivers of
33 the minimum MCLE requirements or extensions of time within which to fulfill the
34 requirements. Active Utah lawyers will not be granted a waiver of the CLE requirements
35 in Utah if they are living outside of Utah and practicing law in other jurisdictions. These
36 Active Utah lawyers must comply with the Utah CLE requirements or change from
37 active to inactive status. Active Utah paralegal practitioners will not be granted a waiver
38 of the CLE requirements in Utah if they are living outside of Utah and practicing in other
39 jurisdictions. These Active Utah paralegal practitioners must comply with the Utah CLE
40 requirements or change from active to inactive status.

41 (d) Deferrals. The Board may defer MCLE requirements in the event of the lawyer's or
42 paralegal practitioner's serious illness.

43 (e) Petition to appeal. Any lawyer or paralegal practitioner who is aggrieved by any
44 decision of the Board under this rule may, within 30 days from the date of the notice of
45 decision, appeal to the Board by filing a petition setting forth the decision and the relief
46 sought along with the factual and legal basis. Unless a petition is filed, the Board's
47 decision is final.

48 (e)(1) The Board may approve a petition without hearing or may set a date for hearing.
49 If the Board determines to hold a hearing, the lawyer or paralegal practitioner will have
50 at least 10 days notice of the time and place set for the hearing. Testimony taken at
51 the hearing will be under oath. The Board shall enter written findings of fact,
52 conclusions of law and the decision on each petition. A copy will be sent by certified
53 mail, return receipt requested, to the lawyer or paralegal practitioner.

54 (e)(2) The Board may grant the petitioner an extension of time within which to comply
55 with this rule.

56 (e)(3) Decisions of the Board are final and are not subject to further contest, unless the
57 decision was a denial of a request for a waiver or a recommendation of suspension of
58 the lawyer's or paralegal practitioner's license [~~to practice~~].

59 (f) Appeal to Supreme Court. A decision denying a request for waiver or a decision to
60 suspend the lawyer or paralegal practitioner is final under paragraph (e)(3) unless within
61 30 days after service of the findings of fact, conclusions of law and decision, the lawyer
62 or paralegal practitioner files a written notice of appeal with the Supreme Court.

63 (f)(1) Transcripts. To perfect an appeal to the Supreme Court, the lawyer or paralegal
64 practitioner must, at the lawyer's or paralegal practitioner's expense, obtain a transcript

65 of the proceedings from the Board. If testimony was taken before the Board, the Board
66 will certify that the transcript contains a fair and accurate report of the proceedings. The
67 Board will prepare and certify a transcript of all orders and other documents pertinent to
68 the proceeding before it and file these promptly with the clerk of the Supreme Court.
69 The matter will be heard by the Supreme Court under this article and other applicable
70 rules.

71 (f)(2) The time set forth in this article for filing notices of appeal are jurisdictional. The
72 Board or the Supreme Court, as to appeals pending before each such body, may, for
73 good cause shown either extend the time for the filing or certification of any material or
74 dismiss the appeal for failure to prosecute.